

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

DAVID L. SHAW,)	
Institutional ID No. 689847,)	
SID No. 3500127,)	
Previous TDCJ ID No. 608901,)	
)	
Plaintiff,)	
)	
V.)	CIVIL ACTION NO.
)	5:09-CV-222-C
WARDEN TERRY TUCKER, <i>et al.</i> ,)	ECF
)	
Defendant(s).)	

ORDER

The United States Magistrate Judge entered a Report and Recommendation on July 2, 2010. No objections have been filed.

This Court has made an independent review of the record in this case and finds that the Magistrate Judge's findings, conclusions and recommendation should be adopted and accepted.

It is, therefore, ORDERED:

- (A) Plaintiff's claims against officials at the Michael Unit are **dismissed without prejudice** pursuant to 28 U.S.C. § 1406(a).
- (B) Plaintiff's claims against Defendants Bill Pierce, Warden T. Tucker, and Brad Livingston are **dismissed with prejudice as frivolous**.
- (C) The caption of this case shall be changed to reflect that Chaplain Lena Griffin is the only remaining defendant.
- (D) Any pending motions are denied.

(E) Pursuant to Fed. R. Civ. P. 16(b), the Court establishes the following schedule for this case:

- (1) All motions to join other parties and amend the pleadings must be filed by 3:00 p.m. on April 19, 2011.
- (2) All other pretrial motions, including motions for summary judgment, must be filed, with supporting briefs, by 3:00 p.m. on May 19, 2011, and any response must be filed by 3:00 p.m. on June 20, 2011.
- (3) All discovery must be completed by 3:00 p.m. on April 19, 2011, as follows:
 - (a) Defendant(s) shall disclose to Plaintiff all records of the incident forming the basis of Plaintiff's complaint, which records shall include, but shall not be limited to the following:
 - (i) Plaintiff's medical records pertaining to the incidents made the basis of Plaintiff's complaint, which medical records shall include Plaintiff's records from any TDCJ unit at which he received medical examinations or treatment concerning the denial of medical care and all records from any private physician or medical treatment facility pertaining to Plaintiff's claims.
 - (ii) Plaintiff's grievances filed for the six-month period surrounding the incident date(s).
 - (b) All parties shall disclose the following:
 - (i) The name, and if known, the address or employment station of each person likely to have information that bears significantly on any claim or defense.


- (ii) As to each person named in response to paragraph (3)(b)(i) above, a brief summary of the substance of the information known by the person.

There shall be no further discovery without leave of the Court.

- (4) All parties will be notified by separate order of the date of trial and the date for filing the proposed pretrial order.

Judgment shall be entered accordingly.

Dated February 18, 2011.



SAM R. CUMMINGS
UNITED STATES DISTRICT JUDGE